

PATENAUE & FELIX, A.P.C.
Raymond A. Patenaude, Esq. (#128855)
rayp@pandf.us
Jeffrey W. Speights (#265206)
Jeffrey.Speights@pandf.us
4545 Murphy Canyon Road, 3rd Floor
San Diego, California 92123-4363
(858) 244-7600 Fax (858) 836-0318

Attorneys for RESURGENCE FINANCIAL, LLC
and LAW OFFICES OF PATENAUE & FELIX, A.P.C.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ALEXIS GONZALEZ,

Plaintiff,

v.

RESURGENCE FINANCIAL, LLC and
LAW OFFICES OF PATENAUE &
FELIX, A.P.C.,

Defendants.

Case No.: 5:14-cv-00172-DSF-PJW

**DEFENDANTS' AMENDED REQUEST
FOR JUDICIAL NOTICE IN SUPPORT
OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT FOR
FAILURE TO STATE A CLAIM
UNDER F.R.C.P. 12(b)(6)**

[F.R.C.P. RULE 12(b)(6)]

[NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT]

Date: May 12, 2014
Time: 1:30 p.m.
Crtm.: 840

The Honorable Dale S. Fischer

Action Filed: January 29, 2014
Trial Date: None Set

Defendants RESURGENCE FINANCIAL, LLC and LAW OFFICES OF
PATENAUE & FELIX, A.P.C. (collectively "Defendants") request this Court to take
judicial notice pursuant to Rule 201 of the Federal Rules of Evidence of the following
exhibits attached to this judicial notice request in support of Defendants' Motion to
Dismiss Plaintiff's Complaint:

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- 1 1. Plaintiff Alexis Gonzalez's Motion to Vacate in *Resurgence Financial, LLC v.*
2 *Gonzalez*, Case No. INC060739 filed on August 11, 2006 in the California
3 Superior Court for the County of Riverside. A true and correct copy is attached
4 hereto as **Exhibit A**.
- 5 2. Court Order rejecting Plaintiff Alexis Gonzalez's Motion to Vacate in
6 *Resurgence Financial, LLC v. Gonzalez*, Case No. INC060739 filed on August
7 11, 2006 in the California Superior Court for the County of Riverside. A true
8 and correct copy is attached hereto as **Exhibit B**.
- 9 3. Notice of Ruling Denying Plaintiff Alexis Gonzalez's Motion to Vacate in
10 *Resurgence Financial, LLC v. Gonzalez*, Case No. INC060739, filed on August
11 11, 2006 in the California Superior Court for the County of Riverside. A true
12 and correct copy is attached hereto as **Exhibit C**.
- 13 4. Docket sheet for *Resurgence Financial, LLC v. Gonzalez*, Case No.
14 INC060739, filed on August 11, 2006 in the California Superior Court for the
15 County of Riverside. A true and correct copy is attached hereto as **Exhibit D**.

16 **I. LEGAL STANDARD**

17 Under Federal Rule of Evidence 201, "[a] judicially noticed fact must be one not
18 subject to reasonable dispute in that it is either (1) generally known within the territorial
19 jurisdiction of the trial court or (2) capable of accurate and ready determination by resort
20 to sources whose accuracy cannot reasonably be questioned." Fed. Rule Evid. R. 201(b).

21 **A. THE COURT SHOULD TAKE JUDICIAL NOTICE OF THE** 22 **EXHIBITS**

23 The Court may take judicial notice of pleadings filed in other courts. *See Burbank-*
24 *Glendale-Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir.
25 1998). As such the Court may take judicial notice of its own file as well as another
26 court's file. The Court may also take judicial notice of matters of public record without
27 converting a motion to dismiss into a motion for summary judgment, as long as the facts
28 noticed are not subject to reasonable dispute. *Intri-Plex Techs., Inc. v. Crest Group, Inc.*,

1 499 F.3d 1048, 1052 (9th Cir. 2007). Therefore, this Court should take judicial notice of
2 Plaintiff Alexis Gonzalez's Motion to Vacate filed in California Superior Court for the
3 County of Riverside, the Court Order rejecting Plaintiff's Motion to Vacate filed in
4 California Superior Court for the County of Riverside, the Notice of Ruling Denying
5 Plaintiff's Motion to Vacate, and the docket sheet for the matter.

6 **II. CONCLUSION**

7 For the foregoing reasons, Defendants respectfully request that this Court take
8 judicial notice of Exhibits A, B, C, and D attached to this request, and filed in support of
9 Defendants' Motion to Dismiss Plaintiff Alexis Gonzalez's Complaint.

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11 Dated: April 30, 2014

Respectfully submitted:

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13 By: /s/ Jeffrey W. Speights
14 Raymond A. Patenaude, Esq.
15 Jeffrey W. Speights, Esq.
16 Attorneys for Defendants
17 RESURGENCE FINANCIAL, LLC
18 and LAW OFFICES OF
19 PATENAUDE & FELIX, A.P.C.
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